

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES E. KENNEDY,

Plaintiff,

V.

COOPERATIVE PRODUCERS,  
INC.,

Defendant.

4:06CV3167

# MEMORANDUM AND ORDER

The plaintiff has filed a motion seeking leave to substitute Heartland Coop for Cooperative Producers, Inc. as the defendant by filing a Second Amended Complaint, to have the Second Amended Complaint relate back as provided in Fed. R. Civ. P. 15(c)(3), and to amend the initial summons pursuant to Fed. R. Civ. P. 4(a) to reflect that service on Cooperative Producers, Inc. was also service on Heartland Coop. (Filing 10.)

I will direct the plaintiff to file within ten days an affidavit in compliance with NECivR 7.1(a)(2)(C) setting forth the facts required to be established by Rule 15(c)(3) and providing such factual support as the plaintiff has.

Accordingly,

IT IS ORDERED that

1. The plaintiff shall file within ten days an affidavit in compliance with NECivR 7.1(a)(2)(C) setting forth the facts required to be established by Rule 15(c)(3) and providing such factual support as the plaintiff has; and

2. In the absence of compliance with this order, and without further notice, the court will deny the motion in filing 10.

October 6, 2006

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge